

**Minutes for the Seminole County Board of Adjustment  
January 26, 2004  
6:00 P.M.**

**Members Present:** Dan Bushrui, Lila Buchanan, Wes Pennington, Alan Rozon and Bob Goff

**Staff Present:** Earnest McDonald, Principal Coordinator, J.V. Torregrosa, Planner, Kathy Fall, Senior Planner, Rich Steiger, Planner, Patty Johnson, Secretary

The Chairman called the meeting to order at 6:00 P.M. Mr. Bushrui then explained the method by which the meeting would be conducted, rules for voting and appealing decisions.

Mr. Bushrui stated that staff has requested that item 15 be moved to the consent agenda.

Alan Rozon requested that item 3 be moved to the regular agenda.

## **CONSENT ITEMS**

### **MOBILE HOME SPECIAL EXCEPTION RENEWAL:**

1. **3010 TINKER POINT-** Tim & Jill Voss, applicants; Request for renewal of a special exception for the one year placement of a mobile home in the A-1 (Agriculture District); Located on the southeast side of Fort Christmas Road, approximately 200 feet northwest of the intersection of Picket Downs Drive and Fort Christmas Road; (BM2003-026).  
District 1 - Maloy  
Kathy Fall, Senior Planner

### **SPECIAL EXCEPTION RENEWAL:**

2. **1000 CR 419 (CHULUOTA) –** Sam Mansour, applicant; Request for renewal of a special exception to establish a mechanical garage in the C-2 (Retail Commercial District); Located on the northwest corner of 10<sup>th</sup> Street and County Road 419; (BS2003-030).  
District 1 - Maloy  
Earnest McDonald, Principal Coordinator
4. **1801 TUSKAWILLA ROAD –** Seminole County School Board/John LeRoy, applicant; Request for maximum building height variance from 35 feet to 42 feet in the A-1 (Agriculture District); Located on the east side of Tuskawilla Road,

approximately 0.2 mile south of the intersection of Dike Road and Tuskawilla Road; (BV2003-201).

District 1 - Maloy

Rich Steiger, Planner

- 15. 1169 BUNNELL ROAD** - Elizabeth Lucey-Hearld, applicant; Request for (1) minimum lot size variance from 43,560 square feet to 23,450 square feet; and (2) minimum width at the building line variance from 150 feet to 100 feet in the A-1 (Agriculture District); Located on the north side of Bunnell Road, approximately 150 feet west of the intersection of 1st Ave and Bunnell Road; (BV2003-197).

District 3 - Van Der Weide

Francisco Torregrosa, Planner

**Mr. Pennington made a motion to approve items 1, 2, 4, and 15 on the Consent Agenda.**

**Dr. Buchanan seconded the motion.**

**The motion passed by unanimous consent (5-0).**

## **CONTINUED ITEMS**

### **SPECIAL EXCEPTIONS:**

- 5. HUNTERFIELD ROAD (CASSELBERRY)** – City of Casselberry / Bill Goucher, applicant; Request for Special Exception to replace an existing water treatment plant in the R-1A (Single-Family Dwelling District); Located on the north side of Hunterfield Road, approximately 200 feet west of the intersection of Hunterfield Road and Oxford Road; (BS2003-027).

District 4 – Henley

Kathy Fall, Senior Planner

Kathy Fall introduced the location of the application and stated that staff recommended approval of the request for special exception to replace the existing water treatment facility with the imposition of the following conditions: (1) The final site plan shall meet all applicable Seminole County Land Development Code and Comprehensive Plan regulations. (2) A Landscape buffer at least 10 feet in width and attaining 100% opacity and 6 feet in height one year after planting shall be provided along the north and south property line. A drainage easement along the east property line prohibits landscaping improvements at that location. At site plan review it will be determined if a masonry wall can be constructed within the drainage easement. (3) Exterior lighting shall conform to the County's Lighting Ordinance. (4) The ground water storage tank shall be housed

within the residential façade of the proposed pump storage control building. (5) All proposed facilities shall be located to the rear portion of the subject property with the application of residentially sensitive and compatible design elements. (6) Where practical, sound proof materials shall be applied throughout the facility to shield abutting and surrounding residential uses from noise associated with the plant's operation. (7) The City shall consult with a residential architect or the design council of the Mid-Florida Homebuilders Associated to ensure the proposed existing residential character of the neighborhood. (8) Prior to Final site plan approval, an odor control plan shall be submitted to ensure surrounding residential development will be protected from odor associated with the plant's operation through the application of standard odor suppressing technology and equipment.

William Goucher introduced Terry Zaudtke of CPH Engineers, Inc and stated that he would make the City of Casselberry presentation to the Board. Mr. Zaudtke stated that the original site plan was modified to allow more open space. He also stated that the storage tank volume was reduced and the building will be residential in nature. He stated that the proposed treatment plant would be a system that would remove the Hydrogen Sulfide from the water. He also stated that there was a possibility of contamination in one of the other facilities and they were planning for the future which was one of the reasons they wanted to use this proposed plant. He also stated that Water Treatment plants and wells in residential areas are less susceptible to ground water contamination. He also addressed the Lighting and noise issues stating the lighting would meet the security requirements. He further stated that sound deadening materials would be used along with a silent alarm system for the SCADA system. He stated that all mechanical equipment would be enclosed in the building. He stated that Odor control would be provided as part of the treatment facility. He further stated that all emissions would be within FDEP requirements.

Walt Gworek stated that from what he knew of the project, he was in favor of it. He stated that water is a critical issue in Florida and he believes that it is only a matter of time and we will have contaminated water. He further stated that this water is a very good quality, and he thinks that this water source should be preserved. He further stated that if you are concerned about your property values now, think about the property value when you don't have any water.

Daniel Dean stated that he is Secretary of the English Estates Homeowners Association and the residents are concerned about their property values. He also stated that a petition for denial of the request had been signed by residents. He further stated there had not been any proof of low water pressure. He also stated that during the December 11, 2003 meeting a wall was shown to the residents, not a fence.

Vanessa Bell stated that she was presenting the petition, which had 655 signatures of the residents of English Estates.

Richard Brunswick stated that he lives off Oxford Road and was concerned about the pond that is behind the plant. He stated that there are turtles, ducks and fish in the

pond and he didn't want them to be scared away by the smell. He further stated that he wanted to know, why they didn't take the plant to a vacant area instead of this neighborhood.

Stan Bessmer stated that he has been a resident of English Estates since 1981. He also stated that one of the residents that lives within 52 feet from the plant has cancer and the plant would be a danger to her health. He further stated that they the residents did not want the plant in their neighborhood.

Larry Korzon stated that he has lived in Seminole County for 31 years. He also stated that he makes a living calling on water plants, and he hasn't seen one he would want to live next to.

Michael Hoeck stated that he was under the impression that they intended to close the Howell Park Plant completely. He also stated that at the first meeting they didn't mention anything about contamination concerns. He further stated that they had 5 years to deal with this situation and find a site for the plant they were in need of.

Larry Furlong stated that he would be looking directly from his front yard at the plant. He also stated that he was concerned about the 25% raise on their water rates. He also stated that he is a School Board Member of English Estates Elementary School and they are making a large addition which is also expensive and he is concerned about the plant being close to the school. He further stated that the only reason they are putting the plant in our community is because the City of Casselberry residents don't want it in their backyard. He stated that this is an easy one, please vote against it.

Theo Kaffenberger stated that she was the President of the Lake of the Woods Homeowners Association and the residents have great concerns about the odor. She also stated that she had gotten 82 signatures in opposition of the request.

Leah Rogers stated that she is already enduring an elevated water tower. She also stated that she has concerns about the signs that are on the fence of the plant. She stated that the signage is going to affect the Insurance rates on their homes. She further stated that she works in the Insurance Industry, and the rates are based on exposure.

Craig Pennington stated that his back yard was going to be the plant's backyard. He stated that he didn't want to smell the fumes. He also stated that he just bought the home of his dreams with a pool and he has young children and he didn't want the plant in his backyard.

Debra Moorner stated that she bought her home three months ago and put her life savings into it, and she didn't think that the City of Casselberry did their home work in how they wanted to use their resources.

Jerry Kelly stated that the City of Casselberry wants to increase the productivity in one place to shut down another place and didn't want to tell anybody about. He also stated that when he came before the Board 10 years ago he had to have his ducks in a row, the City of Casselberry has not been precise. He also stated they needed to get their ducks in a row.

John Bowden stated that perhaps they do indeed need a water treatment plant, but they need to find another location.

Jim Duffy stated that he has lived in Seminole County for 32 years and if they need a plant, why not put it in Casselberry. He also stated that the English Estates Elementary School playground is within a block of the plant and he has concerns about the kids and the odors from the plant. He further stated that Casselberry stated that this is a secondary plant but he believes that it is a primary plant.

Lonnie Groot spoke on behalf of the Law Firm that represents the City of Casselberry, whose bottom line was to apply the law. The staff reports finds that the City meets the requirements of the Land Development Code. He stated that the duty of the Board was to approve the request and not count the number of people speaking. He also stated that staff had concluded that the proposal is consistent with the Comprehensive Plan.

**Mr. Goff made a motion to approve the request per staff recommendations with 3 added conditions: (1) The City of Casselberry shall remove the surcharges to the Seminole County residents; (2) The City of Casselberry shall release all annexation clouds on titles of properties that they serve; and (3) The Special Exception request would be renewed every year based on the maintenance of the plant.**

**Mrs. Buchanan seconded the motion.**

**The motion passed by 4 – 1 consent. Mr. Pennington voted in opposition.**

- 6. 101 SOUTH US 17-92** – Tadd Kasbeer, applicant; Request for special exception to establish a mechanical garage in the C-2 (Retail Commercial District); Located on the southeast corner of the intersection of US 17-92 and State Road 434; (BS2003-028).  
District 2 – Morris  
Kathy Fall, Senior Planner

Kathy Fall introduced the location of the application and stated that staff recommended approval for the special exception request.

Tadd Kasbeer stated that they were asked to provide elevations from the December meeting and they provided them. He also stated that the elevations have not been

through the site plan process. He further stated that Steve Aires the owner of the property was present with him.

**Mr. Rozon made a motion to approve the request.**

**Mr. Goff seconded the motion.**

**The motion passed by unanimous consent (5-0).**

7. **1115 WEST S.R. 436** – Chuck Colter, applicant; Request for special exception for the establishment of a mechanical garage in the C-2 (Retail Commercial District); Located on the northeast corner of the intersection of Jewel Drive and West SR 436; (BS2003-029).  
District 3 – Van Der Weide  
Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the application and stated that staff recommended approval of the special exception request.

Chuck Colter stated that he would like to provide his customers with the same service and care as provided when they purchase his products. He stated that they will be installing the product to the customer cars. He also stated that they would not be doing any painting of body work on the cars. He also stated that all service would be done on the inside of the building. He further stated that he would renovate the building to meet the building code. He stated that the building would have a metal roof and comply with the code.

Frank Dennis stated that the request for special exception does not meet the present code and he would like the request to be denied because of health hazards. He stated that the canopy is an eyesore. He further stated that the fumes could be hazardous to the food in the restaurant.

Chuck Colter stated that there is a garage directly behind the restaurant that has an exhaust fan on the building.

**Mr. Pennington made a motion to approve the request.**

**Mr. Goff seconded the motion.**

**The motion passed by unanimous consent (5-0).**

## **PUBLIC HEARING ITEMS**

### **VARIANCES:**

3. **TITUSVILLE ROAD** - Don & Jennie Jacobson; Request for minimum lot size variance from 217,800 square feet (5 acres) to 38,600 (0.18 acre) in the A-5 (Rural Zoning Classification District); located on the north side of Titusville Road, approximately 1.2 miles west of the West State Road 46 and Titusville Road intersection. (BV2004-006)  
District 2 – Morris  
Earnest McDonald, Principal Coordinator

Earnest McDonald introduced the location of the application and stated that staff recommended approval of the request.

Don Jacobson stated that he would like the board to grant his variance request.

**Mr. Rozon made a motion to approve the request.**

**Mr. Pennington seconded the motion.**

**The motion passed by unanimous consent (5-0).**

8. **2518 FORT LANE ROAD** – Kendall Hester, applicant; Request for minimum width at the building line variance from 150 feet to 92.18 feet in the A-1 (Agriculture District); Located on the north side of Fort Lane Road, approximately 800 feet west of the intersection of Jane Creek Drive and Fort Lane Road; (BV2003-194).  
District 2 - Morris  
Earnest McDonald, Principal Coordinators

Earnest McDonald introduced the location of the application and stated that staff recommended denial of the requested variance, unless the applicant could demonstrate a hardship.

Robert Morrison stated that he was the attorney for Kendall Hester and his sister Barbara Solomon, who own the property. He also stated that the property has been in this family for 46 years. He also stated that Kendall Hester and his sister inherited the property when their parents died. He further stated that they don't want to combine the

lots because they have two different clients wanting to buy the property. He lastly stated that they provided statements of support from the clients interested in the property.

Ken Hester stated that his parents bought the lots in the 1960's, from two different owners. He also stated that he believe it would be unreasonable to ask him to combine the lots because he doesn't have a buyer for the lots being combined.

**Mrs. Buchanan made a motion to approve the request.**

**Mr. Goff seconded the motion.**

**The motion passed by unanimous consent (5-0).**

9. **1231 MADELENA AVENUE** - Annabelle Sousa, applicant; Request for rear yard setback variance from 25 feet to 13 feet for a proposed screen room in the PUD (Planned Unit Development District); Located on the east side of Madelena Avenue, approximately 320 feet south of the intersection of Ortega and Madelena Avenue; (BV2003-185).

District 2 – Morris

Kathy Fall, Senior Planner

Kathy Fall introduced the location of the application and stated that the criteria for the granting of a variance had not been satisfied. She also stated that staff recommended denial of the request, unless the applicant could demonstrate a hardship.

Annabelle Sousa stated that she would like to have a screen room on the back of her house. She also stated that the Homeowner's Association has given her approval. She further stated that the addition would improve the quality of her home.

**Mr. Pennington made a motion to approve the request.**

**Mr. Goff seconded the motion.**

**The motion passed by unanimous consent (5-0).**

10. **3769 COCONUT PALM CIRCLE** - David Pipe, applicant; Request for rear yard setback variance from 15 feet to 10 feet for a proposed shed and covered screen room in the PUD (Planned Unit Development District); Located on the north side of Coconut Palm Circle immediately north of the intersection of Carolina Palm Lane and Coconut Palm Circle; (BV2003-193).

District 1 – Maloy

Kathy Fall, Senior Planner



Kathy Fall introduced the location of the application and stated that the criteria for the granting of a variance had not been satisfied. She also stated that staff recommended denial of the request, unless the applicant could demonstrate a hardship. She further stated that she received a phone call from the Homeowner's Association in opposition of the request. She lastly stated that the Homeowner's Association had a board meeting and they could not come to the meeting tonight but they did send a letter.

David Pipe stated that he has a permit from the building department and he has already moved the house on the lot. He also stated that he needs more room on the lot for this manufactured home because of the size of the home.

Mr. Pennington suggested that in view of the letter from the Homeowners Association, a continuance to find out why it was in opposition might be appropriate.

David Pipe concurred.

**This item is continued to the February 23, 2004 meeting.**

11. **W. 8TH STREET (LOT 13)** - Robert & Debra Carneal, applicants; Request for minimum width at the building line variance from 75 feet to 62 feet in the R-2 (One and Two-Family Dwelling District); Located on the south side of West 8<sup>th</sup> Street, approximately 160 feet east of the intersection of Langford Drive and West 8<sup>th</sup> Street; (BV2003-195).

District 1 - Maloy

Kathy Fall, Senior Planner

12. **W. 8TH STREET (LOT 14)** - Robert & Deborah Carneal, applicants; Request for minimum width at the building line variance from 75 feet to 62 feet in the R-2 (One and Two Family Dwelling District); Located on the south side of West 8<sup>th</sup> Street, approximately 100 feet east of the intersection of Langford Drive and West 8<sup>th</sup> Street; (BV2003-196).

District 1 - Maloy

Kathy Fall, Senior Planner

Kathy Fall introduced the location of the applications and stated that from her research she has determined that these are antiquated lots that are taxed separate. She also stated that staff recommends denial of the requested variances.

Robert Carneal stated that he was the owner of both lots and could put two duplexes with four units and not request variances. He also stated that he would like to build two

single family houses and improve the community. He further stated that he thought the neighbors would prefer the houses also.

**Mr. Rozon made a motion to approve the requests.**

**Mr. Goff seconded the motion.**

**The motion passed by unanimous consent (5-0).**

- 13. 228 CAPRI COVE PLACE-** Robert & Dedra Good, applicants; Request for west and south rear yard setback variances from 10 feet to 2 feet for a proposed storage shed in the R-1AAAA (Single-Family Dwelling District); Located at the end of Capri Cove, approximately 750 feet south of the intersection of Orange Avenue and Capri Cove; (BV2003-189).

District 5 - McLain

Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the application and stated that the criteria for the granting of a variance had not been satisfied. He also stated that staff recommended denial of the request, unless the applicant could demonstrate a hardship.

Robert Good stated that the main reason he is requesting a variance is because the Homeowner Association requires that any portable buildings or sheds be directly behind the house. He also stated that he would have to cut down trees that he really didn't want to cut down. He further stated that the Homeowner's Association approval is based on the Board approval.

**Mr. Pennington made a motion to approve a 5 foot rear yard setback variance.**

**Mrs. Buchanan seconded the motion.**

**The motion passed by unanimous consent (5-0).**

- 14. 564 NOTRE DAME DRIVE -** Fred & Rhonda Muschamp, applicants; request for (1) rear yard setback variance from 30 feet to 21 feet, (2) lot size variance from 8,400 square feet to 7,040 square feet, and (3) lot width at the building line variance from 70 feet to 64 feet for a proposed screen room in the R-1 (Single-Family Dwelling District); located on the north side of Notre Dame Drive, approximately 400 feet east of the intersection of Notre Dame Drive and South Weathersfield Avenue; (BV2003-192).

District 3 - Van Der Weide

Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the application and stated that staff recommended approval of a (1) minimum lot size variance from 8,400 square feet to 7,040 square feet; and (2) minimum width at the building line variance from 70 feet to 64 feet. He further stated that staff recommended denial of (3) rear yard setback variance from 30 feet to 21 feet for a proposed screen room.

Rhonda Muschamp stated that she would like to enjoy her backyard, and to do so she would need the screen room. She also stated that there are a lot of mosquitoes in her neighborhood. She further stated that her neighbors on both sides of her have screen rooms.

**Mr. Goff made a motion to approve all three requests.**

**Mrs. Buchanan seconded the motion.**

**The motion passed by unanimous consent (5-0).**

- 16. 328 EAST TANGERINE STREET** - John & Karen Florio, applicants; Request for rear yard setback variance from 30 feet to 15 feet for proposed detached garage in the R-1AA (Single-Family Dwelling District); Located on the south side of Tangerine Street, approximately 500 feet west of the intersection of Tangerine Street and Pressview Avenue; (BV2003-198).

District 4 - Henley

Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the application and stated that the criteria for the granting of a variance had not been satisfied. He further stated that staff recommended denial of the request, unless the applicant could demonstrate a hardship.

John Florio stated that the he has a double lot, platted in the 1950's and the property has 49 trees. He also stated that the garage is being designed to house a standard vehicle, an enclosed automotive trailer and a boat. He also stated that currently the property doesn't have a garage. He further stated that he could meet the code and not request the variance if he removed 12 trees, but he really didn't want to do that. He lastly stated that no one opposed the request.

**Mr. Pennington made a motion to approve the request.**

**Mr. Goff seconded the motion.**

**The motion passed by unanimous consent (5-0).**

- 17. 3220 WALTON ROAD** - Christopher & Susan Staggs, applicants; Request for (1) rear yard setback variance from 30 feet to 14 feet, and (2) (west) side yard setback variance from 7.5 feet to 5 feet for a proposed detached garage in R-1A (Single-Family Dwelling District); Located on the south side of Walton Road, approximately 0.2 mile west of the intersection of Avery Lane and East SR 436; (BV2003-200).

District 3 – Van Der Weide  
Francisco Torregrosa, Planner

Francisco Torregrosa introduced the location of the application and stated that the criteria for the granting of a variance had not been satisfied. He also stated that staff recommended denial of the request, unless the applicant could demonstrate a hardship.

Susan Staggs stated that her hardship was the result of an elderly mother, who couldn't take care of herself. She stated that they wanted to renovate their garage to house her mother, which is why they are proposing to build a new garage elsewhere on the property.

**Mr. Goff made a motion to approve the request.**

**Mrs. Buchanan seconded the motion.**

**The motion passed by unanimous consent (5-0).**

- 18. 2306 SANDALWOOD DRIVE** - Gene & Patricia Gerry, applicants; Request for (1) (west) rear yard setback variance from 10 feet to 5 feet; and (2) (north) side yard setback variance from 10 feet to 3 feet for an existing shed; and (3) (west) rear yard setback variance from 10 feet to 2.4 feet for a second existing shed in the R-1A (Single-Family Dwelling District); Located on the west side of Sandalwood Drive, approximately 670 feet south of the intersection of South Street and Sandalwood Drive; (BV2003-183).

District 4 - Henley  
Rich Steiger, Planner

Rich Steiger introduced the location of the application and stated that the criteria for the granting of a variance had not been satisfied. He also stated that staff recommended denial of the request, unless the applicant could demonstrate a hardship.

Gene Gerry stated that a hardship would result from the relocation of the privacy fence that is around his hot tub. He also stated that one of the sheds is a Rubbermaid and he could move that one next to the other one if he had to. He further stated that he has letters from two of his neighbors stating that they don't have a problem with the sheds.

Philip Holdman stated that he lives on Sandlewood Dr, and that he has seen Mr. Gerry house and thinks he has a gorgeous yard. He also stated that Mr. Gerry shouldn't have to move the sheds because of a complaint.

**Mr. Rozon made a motion to approve the request.**

**Mrs. Buchanan seconded the motion.**

**The motion was passed by unanimous consent (5-0).**

- 19. 155 E FAITH TERRACE** - Thomas Scala, applicant; Request for side yard setback variance from 10 feet to 2.7 feet for a proposed screen enclosure addition in the R-1AA (Single-Family Dwelling District); Located on the west side of Faith Terrace, approximately 600 feet east of the intersection of Maitland Avenue and Faith Terrace; (BV2003-184).

District 4 - Henley

Rich Steiger, Planner

Rich Steiger introduced the location of the application and stated that the criteria for the granting of a variance had not been satisfied. He also stated that staff recommended denial of the request, unless the applicant could demonstrate a hardship. He further stated that staff had received letters of approval of the request.

Thomas Scala stated that he is having a problem with the mosquitoes because of the lake in his neighborhood. He also stated that he is highly sensitive to bug spray and would like a screen room. He also stated that he is the owner of 145 & 155 Faith Terrace and would like an opening between the two houses for a work area. He further stated that he has letters of support from his neighbors.

**Mr. Pennington made a motion to approve the request.**

**Mrs. Buchanan seconded the motion.**

**The motion passed by unanimous consent (5-0).**

- 20. 2314 SANDALWOOD DRIVE** – John G. McGilvray, applicant; Request for (1) (west) side yard setback variance from 10 feet to 3.11 feet; and (2) (north) side yard setback variance from 10 feet to 3.11 feet for an existing accessory structure in the R-1A (Single-Family Dwelling District); Located approximately 500 feet south of the intersection of Sandalwood Drive and South Street; (BV2003-186).

District 4 – Henley

Rich Steiger, Planner

Rich Steiger introduced the location of the application and stated that the structure was constructed without a building permit. He also stated that staff recommended denial of the request, unless the applicant could demonstrate a hardship.

John McGilvray stated that he has a shed in his backyard and he would like to keep it. He also stated that it is a good looking shed and well maintained. He also stated that it would be very difficult to move the shed and his neighbors are in agreement with the shed remaining where it is.

Steve Wilbanks stated that he is John's neighbor and he has absolutely no objections to the shed. He stated that it was built very professionally. He further stated that in light of the fact that Gene and Patricia Gerry were approved he would like to see John's shed approved.

Mike Payjack stated that he doesn't live in that same neighborhood, but he is John's friend and he knows that they keep their lawns in beautiful condition. He also stated that they don't have a Homeowners Association, but they all stick together.

Philip Holdman stated that he lives across the street from John and he doesn't have a problem with the shed.

**Mr. Goff made a motion to approve the request.**

**Mrs. Buchanan seconded the motion.**

**The motion passed by unanimous consent (5-0).**

- 21. 352 E. RIDGEWOOD STREET** - Betty McLellan, applicant; Request for (west) side yard setback variance from 10 feet to 8.4 feet for an existing accessory structure in the R-1AA (Single Family Dwelling District); Located on the south side of East Ridgewood Street, approximately 130 feet west of the intersection of East Ridgewood Street and Pressview Avenue; (BV2003-188).  
District 3 - Van Der Weide  
Rich Steiger, Planner

Rich Steiger introduced the location of the application and stated that an aluminum carport was constructed without a building permit. He also stated that staff recommended denial of the request, unless the applicant could demonstrate a hardship.

Betty McLellan stated that Mariam Rayburn would be speaking on her behalf. Mariam Rayburn stated that Mr. McLellan built the structure for their RV after he retired. She

also stated that Mr. McLellan is now deceased and they no longer have the RV. She further stated that it would be costly to have the structure removed. She lastly stated that the neighbor on the side of the property doesn't have a problem with the structure.

Ilene Davis stated that she lives directly behind Mrs. McLellan and the structure was built without a variance or a permit. She also stated that she doesn't see any reason why the structure should remain because Mrs. McLellan no longer has the RV. She further stated that she could move the structure to the other side of the house and she wouldn't need a variance.

Betty McLellan stated that she would like for the structure to remain since it gives her a sense of security. She also stated that when her daughter comes to visit her, she parks there.

**Mr. Rozon made a motion to deny the request.**

**Mr. Pennington seconded the motion.**

**The motion passed by unanimous consent (5-0).**

- 22. 514 HASSOCKS LOOP** - Sergio & Marcha Mora, applicants; Request for side street setback variance from 20 feet to 14 feet for a proposed fence relocation in the PUD (Planned Unit Development District); Located at the southwest corner of Tomlinson Terrace and Hassocks Loop; (BV2003-199).  
District 4 - Henley  
Rich Steiger, Planner

Rich Steiger introduced the location of the application and stated that the criteria for the granting of a variance had not been satisfied. He also stated that staff recommended denial of the request, unless the applicant could demonstrate a hardship.

Marcha Mora stated that she and her husband were the first residents in that area of the subdivision. She also stated that they have an excellent Homeowners Association and they are very proud of the neighborhood. She also stated that she is willing to adhere to the code. She further stated that she talked to the neighbors in back of her and they didn't have a problem with them relocating the fence.

**Mr. Goff made a motion to approve the request.**

**Mr. Pennington seconded the motion.**

**The motion passed by unanimous consent (5-0).**

## **APPROVAL OF MINUTES**

**Mr. Rozon made a motion to approve the December 16, 2003 minutes.**

**Mr. Pennington seconded the motion.**

**The motion passed by unanimous consent (5-0).**

## **ADJOURNMENT**

**Time of Adjournment was 10:30 P.M.**